

(Response Requested by June 22, 2001)
MULTISTATE TAX COMMISSION—BYLAW 7 SURVEY RESPONSE FORM

*Proposed Adoption of Amendment to the MTC Statement of Information
Concerning Practices of the MTC and Signatory States Under Public Law 86-272*

From: _____
Name of Tax Agency Official

Jurisdiction: _____

The MTC Hearing Officer for the Public Hearing on the proposed amendment to the MTC Statement of Information Concerning Practices of the MTC and Signatory States Under Public Law 86-272 has recommended the conduct of a Bylaw 7 survey to determine the Member States' interest in considering adoption of the amendment. The recommended amendment, along with the Hearing Officer's report, is attached to this Survey Response Form as *Exhibit A*. Should you wish a copy of the Hearing Officer's final report, please contact Ms. Charmaine Wright at the Commission's headquarters office at 202-624-8699. The report also is available on the MTC website at:
<http://www.mtc.gov/MEETINGS/pubhrgs.htm>.

The purpose of this survey is to determine how many affected Multistate Tax Compact Member States would consider adopting the proposed amendment, if the proposal were adopted as a uniformity recommendation by the Commission.

The question for your consideration and response is as follows:

If the Commission were to recommend to its affected Member States the adoption of the amendment to the Guideline" (which is attached hereto as Exhibit A), would your agency consider adoption of the proposal?

[] YES

[] NO

If you have marked "NO" as your answer above, but a change in the proposal would change your answer to "YES", please note such changes or other comments that you might have in the space provided on the next page.

[illegible]

FAX: (202) 624-8819 – Phone: (202) 624-8699.

EXHIBIT A

Proposed Amendment to the MTC Statement of Information Concerning Practices of the MTC and Signatory States Under Public Law 86-272 (amending the Guideline by deleting IV.A.20):

A. UNPROTECTED ACTIVITIES:

The following in-state activities (assuming they are not of a *de minimis* level) are not considered as either solicitation of orders or ancillary thereto or otherwise protected under P.L. 86-272 and will cause otherwise protected sales to lose their protection under the Public Law:

1. Making repairs or providing maintenance or service to the property sold or to be sold.

2. Collecting current or delinquent accounts, whether directly or by third parties, through assignment or otherwise.
employees or agent(s) of the company in their representative status.

* * * * *

19. Entering into franchising or licensing agreements; selling or otherwise disposing of franchises and licenses; or selling or otherwise transferring tangible personal property pursuant to such franchise or license by the franchisor or licensor to its franchisee or licensee within the state.

20. [RESERVED]

21. Conducting any activity not listed in paragraph IV.B. below which is not entirely ancillary to requests for orders, even if such activity helps to increase purchases.